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Attorney for Defendant  
JOHNNY LEE TAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. CR 06-0030 JSW

Plaintiff,

STIPULATION AND ORDER (~~PROPOSED~~)

vs.

DENYING REQUEST FOR  
CONTINUANCE

NANCY PUA, Et Al.,

Defendants.

With the agreement of the parties, the Court enters this order (a) setting a new hearing date for November 2, 2006 at 2:30 p.m. and (b) excluding time under the Speedy Trial Act from September 28, 2006 to November 2, 2006.

1. This is a complex case involving more than 16,000 pages of discovery, 12 seized computers and two hard drives. Defense counsel's review of this discovery is ongoing and time-consuming. (See attached declaration of counsel).

2. Also, counsel have been discussing various motions and have begun settlement negotiations with the Assistant United States Attorney assigned to this case.

3. November 2, 2006 is the next available date for the undersigned counsel, given the existence of previously-scheduled conflicts.

4. The parties agree and the Court finds and holds, that the time from September 28, 2006 to November 2, 2006 should be excluded under the Speedy Trial clock. Failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. section 3161(h)(8)(B)(iv).

5. The parties also agree and the Court finds and holds that failure to grant a continuance would unreasonably deny the parties continuity of counsel based on the existence of previously-scheduled case conflicts.

6. The parties agree, and the Court finds and holds, that the ends of justice served by excluding time from September 28, 2006 to November 2, 2006 outweigh the interest of the public and the defendants in a speedy trial within the meaning of 18 U.S.C. section 3161(h)(A).

7. Accordingly, the Court (a) sets a new hearing date of November 2, 2006 at 2:30 p.m. and (b) orders that the period from September 28, 2006 to to November 2, 2006 be excluded from the Speedy Trial Act calculations under 18 U.S.C. section 3161(h)(8)(A) & (B)(I) & (iv).

IT IS SO ORDERED.

DATED:

HON. JEFFREY S. WHITE  
United States District Judge

STIPULATED:

DATED:

/s/ Shana Keating  
SHANA KEATING  
Attorney for Defendant  
JOHNNY LEE TAN

DATED:

/s/ Steven Gruel  
STEVEN GRUEL  
Attorney for Defendant  
NANCY PUA

DATED:

KYLE WALDINGER  
Assistant United States Attorney

THE REQUEST FOR A CONTINUANCE IS DENIED AND THE PARTIES  
AND THEIR CLIENTS SHALL APPEAR AS SCHEDULED ON SEPTEMBER  
28, 2006 AT 2:30 P.M.

September 27, 2006

